

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

PHYLLIS ANNE CUSHING MANUEL

aka **PHYLLIS MANUEL**

245 So. 56th Street, #131

Mesa, AZ 85206

Registered Nurse License No. 566435

Public Nurse Certificate No. 62113

Respondent.

Case No. 2009-132

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on July 15, 2009.

IT IS SO ORDERED this July 15, 2009.

Susan Phillips, MSN, RN, FNP-BC

President

Board of Registered Nursing

Department of Consumer Affairs

State of California

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 KAREN R. DENVIR, State Bar No. 197268
Deputy Attorney General
4 1300 I Street, Suite 125
P.O. Box 944255
5 Sacramento, CA 94244-2550
Telephone: (916) 324-5333
6 Facsimile: (916) 327-8643

7 Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009-132

13 **PHYLLIS ANNE CUSHING MANUEL,**
A.K.A PHYLLIS MANUEL
14 245 So. 56th Street, #131
15 Mesa, AZ 85206

16 Registered Nurse License No. 566435
Public Health Nurse Certificate No. 62113

17 Respondent.

**STIPULATED SURRENDER OF
LICENSE AND CERTIFICATE AND
ORDER**

18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
20 proceeding that the following matters are true:

21 PARTIES

22 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") is the Executive Officer of
23 the Board of Registered Nursing, Department of Consumer Affairs ("Board"). She brought this
24 action solely in her official capacity and is represented in this matter by Edmund G. Brown Jr.,
25 Attorney General of the State of California, by Karen R. Denvir, Deputy Attorney General.

26 2. Phyllis Anne Cushing Manuel (Respondent) is representing herself in this
27 proceeding and has chosen not to exercise her right to be represented by counsel.

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3. On or about April 9, 2000, the Board issued Registered Nurse License No. 566435 to Respondent. The license was in full force and effect at all times relevant to the charges brought in Accusation No. 2009-132 and expired on September 30, 2007.

4. On or about May 9, 2000, the Board issued Public Health Nurse Certificate No. 62113 to Respondent. The certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 2009-132 and expired on September 30, 2007.

JURISDICTION

5. Accusation No. 2009-132 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on January 23, 2009. A copy of Accusation No. 2009-132 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2009-132. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Certificate and Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation No. 2009-132, agrees that cause exists for discipline and hereby surrenders her

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1 Registered Nurse License No. 566435 and Public Health Nurse Certificate No. 62113 for the
2 Board's formal acceptance.

3 10. Respondent understands that by signing this stipulation she enables the
4 Board to issue an order accepting the surrender of her Registered Nurse License and Public
5 Health Nurse Certificate without further process.

6 CONTINGENCY

7 11. This stipulation shall be subject to approval by the Board of Registered
8 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the
9 Board of Registered Nursing may communicate directly with the Board regarding this stipulation
10 and surrender, without notice to or participation by Respondent. By signing the stipulation,
11 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind
12 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
13 this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall
14 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
15 between the parties, and the Board shall not be disqualified from further action by having
16 considered this matter.

17 12. The parties understand and agree that facsimile copies of this Stipulated
18 Surrender of License and Certificate and Order, including facsimile signatures thereto, shall have
19 the same force and effect as the originals.

20 13. In consideration of the foregoing admissions and stipulations, the parties
21 agree that the Board may, without further notice or formal proceeding, issue and enter the
22 following Order:

23 ORDER

24 IT IS HEREBY ORDERED that Registered Nurse License No. 566435 and Public
25 Health Nurse Certificate No. 62113, issued to Respondent Phyllis Anne Cushing Manuel is
26 surrendered and accepted by the Board of Registered Nursing.

27 14. The surrender of Respondent's Registered Nurse License and Public
28 Health Nurse Certificate and the acceptance of the surrendered license and certificate by the

1 Board shall constitute the imposition of discipline against Respondent. This stipulation
2 constitutes a record of the discipline and shall become a part of Respondent's license history with
3 the Board.

4 15. Respondent shall lose all rights and privileges as a Registered Nurse and
5 Public Health Nurse in California as of the effective date of the Board's Decision and Order,
6 including the right to use any of the restricted titles associated with her licenses.

7 16. Respondent shall cause to be delivered to the Board both her pocket
8 license and wall certificate on or before the effective date of the Decision and Order.

9 17. Respondent fully understands and agrees that if she ever files an
10 application for licensure or a petition for reinstatement in the State of California, the Board shall
11 treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations,
12 and procedures for reinstatement of a revoked license in effect at the time the petition is filed,
13 and all of the charges and allegations contained in Accusation No. 2009-132 shall be deemed to
14 be true, correct, and admitted by Respondent when the Board determines whether to grant or
15 deny the petition.

16 18. Upon reinstatement of the Registered Nurse license, Respondent shall pay
17 to the Board costs associated with its investigation and enforcement pursuant to Business and
18 Professions Code section 125.3 in the amount of \$1639.50. Respondent shall be permitted to pay
19 these costs in a payment plan approved by the Board. Nothing in this provision shall be
20 construed to prohibit the Board from reducing the amount of cost recovery upon reinstatement of
21 the license.

22 19. Should Respondent ever apply or reapply for a new license or certification,
23 or petition for reinstatement of a license, by any other health care licensing agency in the State of
24 California, all of the charges and allegations contained in Accusation No. 2009-132 shall be
25 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
26 Issues or any other proceeding seeking to deny or restrict licensure.


27 20. Respondent shall not apply for licensure or petition for reinstatement for
28 two (2) years from the effective date of the Board of Registered Nursing's Decision and Order.

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my license as a Registered Nurse and my certificate as a Public Health Nurse. I enter into this Stipulated Surrender of License and Certificate and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 3-15-09


Phyllis Anne Cushing Manuel
Respondent

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MAR 15 2009
BOARD OF
NURSING
PHYSICIAN
COUNCIL

Exhibit A

Accusation No. 2009-132

RECEIVED
FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE
MAY 15 2010

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 KAREN R. DENVER, State Bar No. 197268
Deputy Attorney General
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Telephone: (916) 324-5333
6 Facsimile: (916) 327-8643

7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009-132

13 **PHYLLIS ANNE CUSHING MANUEL, A.K.A.**
14 **PHYLLIS MANUEL**

ACCUSATION

15 245 So. 56th Street
Mesa, Arizona 85206

16 Registered Nurse License No. 566435
Public Health Nurse Certificate No. 62113

Respondent.

17
18 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the
21 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
22 Affairs.

23 **Registered Nurse License**

24 2. On or about April 9, 2000, the Board issued Registered Nurse License
25 Number 566435 to Phyllis Anne Cushing Manuel, also known as Phyllis Manuel
26 ("Respondent"). The registered nurse license expired on September 30, 2007.

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1 **Public Health Nurse Certificate**

2 3. On or about May 9, 2000, the Board issued Public Health Nurse
3 Certificate Number 62113 to Respondent. The public health nurse certificate expired on
4 September 30, 2007.

5 **STATUTORY PROVISIONS**

6 4. Section 2750 of the Business and Professions Code ("Code") provides, in
7 pertinent part, that the Board may discipline any licensee, including a licensee holding a
8 temporary or an inactive license, for any reason provided in Article 3 (commencing with Code
9 section 2750) of the Nursing Practice Act.

10 5. Code section 2764 provides, in pertinent part, that the expiration of a
11 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
12 against the licensee or to render a decision imposing discipline on the license. Under Code
13 section 2811, subdivision (b), the Board may renew an expired license at any time within eight
14 years after the expiration.

15 6. Code section 2761 states, in pertinent part:

16 The board may take disciplinary action against a certified or licensed nurse
17 or deny an application for a certificate or license for any of the following:

18 (a) Unprofessional conduct, which includes, but is not limited to, the
19 following:

20 (4) Denial of licensure, revocation, suspension, restriction, or any other
21 disciplinary action against a health care professional license or certificate by
22 another state or territory of the United States, by any other government agency, or
23 by another California health care professional licensing board. A certified copy of
24 the decision or judgment shall be conclusive evidence of that action.

25 7. Code section 125.3 provides, in pertinent part, that the Board may request
26 the administrative law judge to direct a licensee found to have committed a violation or
27 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
28 and enforcement of the case.

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- 1 1. Revoking or suspending Registered Nurse License Number 566435, issued
2 to Phyllis Anne Cushing Manuel, also known as Phyllis Manuel;
3 2. Revoking or suspending Public Health Nurse Certificate Number 62113,
4 issued to Phyllis Anne Cushing Manuel, also known as Phyllis Manuel;
5 3. Ordering Phyllis Anne Cushing Manuel, also known as Phyllis Manuel to
6 pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of
7 this case, pursuant to Code section 125.3; and,
8 4. Taking such other and further action as deemed necessary and proper

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10 DATED: 12/8/08

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14 RUTH ANN TERRY, M.P.H., R.N.
15 Executive Officer
16 Board of Registered Nursing
17 Department of Consumer Affairs
18 State of California
19 Complainant
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ORIGINAL

BEFORE THE NEVADA STATE BOARD OF NURSING

IN THE MATTER OF
PHYLLIS MANUEL
LICENSED PROFESSIONAL NURSE
NEVADA LICENSE NO. RN44347
RESPONDENT

AGREEMENT FOR
PROBATION

CASE NO. 0618-06C

This Agreement is hereby entered into between PHYLLIS MANUEL, (RESPONDENT) and the NEVADA STATE BOARD OF NURSING, (BOARD).

It is hereby stipulated and agreed, by and between the parties to the above-entitled matter, that the following statements are true:

1. Respondent is aware of, understands, and has been advised of the effect of this Agreement, which Respondent herein has carefully read and fully acknowledges. No coercion has been exerted on the Respondent. Respondent acknowledges her right to an attorney at her own expense. The Respondent has had the benefit at all times of obtaining advice from competent counsel of her choice.

2. Respondent understands the nature of the allegations under investigation by the Nevada State Board of Nursing. Respondent freely admits that on or about May 28, 2006, while she was employed as a Registered Nurse at Highland Manor of Fallon, she used inappropriate language to a resident and held Kleenex to the resident's mouth to prevent the resident from spitting. Respondent acknowledges this conduct constitutes a violation of the Nevada Revised Statutes 632.320 (7) unprofessional conduct, and Nevada Administrative Code 632.890 (27) customary standards. Respondent further acknowledges that such acts and admissions subject her to disciplinary action by the Board.

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1 3. Respondent is aware of the Respondent's rights, including the right to a hearing
2 on any charges and allegations, the right to an attorney at her own expense, the right to examine
3 witnesses who would testify against her, the right to present evidence in her favor and call
4 witnesses on her behalf, or to testify herself, the right to contest the charges and allegations, the
5 right to reconsideration, appeal or any other type of formal judicial review of this matter, and any
6 other rights which may be accorded to her pursuant to the Nevada Administrative Procedures Act
7 and the provisions of Chapter 632 of the Nevada Revised Statutes and the Nevada
8 Administrative Code. Respondent agrees to waive the foregoing rights upon acceptance of
9 this Agreement by the Board.

10 4. Respondent understands that the Board is free to accept or reject this Agreement,
11 and if rejected by the Board, a disciplinary proceeding may be commenced.

12 5. Should the Agreement be rejected by the Board, it is agreed that presentation to
13 and consideration by the Board of such proposed Agreement, shall not disqualify the Board, or
14 any of its members, from further participation, consideration, adjudication or resolution of these
15 proceedings, and that no Board member shall be disqualified or challenged for bias therefore.

16 6. If, after notice and hearing, Respondent is found to have violated the terms or
17 conditions of probations, the Board may revoke probation for Respondent and carry out the
18 disciplinary order of revocation set forth herein. The Board shall have continuing jurisdiction
19 over any petition to revoke probation filed against Respondent until such matter is final.

20 7. This Agreement shall only become effective when both parties have duly
21 executed it and unless so executed, this Agreement will not be construed as an admission.

22 8. This Agreement shall not be construed as excluding or reducing any criminal or
23 civil penalties or sanction or other remedies that may be applicable under federal, state or local
24 laws.

25 9. This Agreement shall cover any nursing license and/or certificate issued by the
26 State of Nevada.

27 10. Based upon the foregoing stipulations and recitals, it is hereby agreed that the
28 Board may issue the following decision and order:

DECISION AND ORDER

IT IS HEREBY ORDERED that Nevada Licensed Professional Nurse, license number RN44347, issued in the name of PHYLLIS MANUEL, be revoked, provided, however, that the execution of the order of revocation is stayed, and the license is placed on probation (RESTRICTED LICENSURE) for a minimum of three (3) years with the following terms and conditions:

1. EDUCATION AND/OR REMEDIATION REQUIREMENTS

Respondent shall take, and successfully complete the following courses:

- a. Legal ethics in nursing for a minimum of 30 contact hours; and
- b. The Nevada Nurse Practice Act web based course; and
- c. Supervisory skills for nurses for a minimum of 30 contact hours; and
- d. Handling difficult residents for a minimum of 30 contact hours.

The legal ethics, supervisory skills, and handling difficult residents courses must be pre-approved by the Executive Director, or the Compliance Coordinator. Documentation of successful completion of all four (4) courses must be submitted to the Board within eighteen (18) months of the execution of this Agreement.

2. WRITTEN NOTIFICATION OF CHANGE OF ADDRESS

Respondent shall notify the Board, in writing of, and prior to, any change of address.

3. LICENSE MARKED "RESTRICTED" AND RETURN OF UNMARKED LICENSE

Respondent shall have her license marked "Restricted" through out the probationary period. Upon receipt of the marked license, Respondent shall immediately return her unmarked license to the Board office.

4. ATTENDANCE AT A BOARD MEETING MANDATORY

Respondent shall, during the first year of this Agreement, attend a minimum of one meeting of the Nevada State Board of Nursing during which disciplinary hearing are held. This shall not include any meeting at which her own case is considered.

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1 5. TIME EARNED OFF PROBATION

2 Respondent shall only receive credit toward service of her probation period while employed in a
3 capacity for which nursing licensure/certification is required and subject to adequate supervision
4 approved by the Board.

5 6. WRITTEN EMPLOYMENT SITE APPROVAL BY BOARD STAFF

6 The Board shall approve all employment sites (changes in specialty and/or work site or unit,
7 including changes within the same facility or under the same employer) requiring a nursing
8 license/certificate prior to commencement of work. Approval is given through the Executive
9 Director, or the Compliance Coordinator.

10 7. WRITTEN NOTIFICATION OF TERMINATION OF EMPLOYMENT TO
11 BOARD

12 Respondent is required to notify the Board in writing within seventy-two (72) hours after
13 commencement or termination of any nursing employment. Any notification regarding
14 termination shall contain a full explanation of the circumstances surrounding it.

15 8. DIRECTION BY A REGISTERED NURSE

16 Respondent shall be employed in a setting in which direction is provided by a Registered Nurse.
17 Direction shall mean: the intermittent observation, guidance and evaluation of the nursing
18 practice by a licensed professional nurse who may only occasionally be physically present; the
19 degree of direction needed shall be determined by an evaluation of the patient care situation, and
20 the demonstrated proficiency of the Respondent.

21 9. RESTRICTION FROM FUNCTIONING IN A SUPERVISORY ROLE

22 Respondent may not function as a supervisor, including as a head nurse or charge nurse for a
23 minimum of one (1) year and unless approved by the Compliance Coordinator and/or the
24 Disability Advisory Committee.

25 10. LIMITATION ON HOURS WORKED

26 Respondent shall not work more than ninety (90) hours in nursing in a two (2) week period.
27 Changes in hours may be approved by the Compliance Coordinator and/or the Disability
28 Advisory Committee.

1 11. SUBMISSION OF AGREEMENT TO IMMEDIATE SUPERVISOR

2 Respondent shall provide a complete copy of this Agreement to her employer and immediate
3 supervisor prior to commencement of work.

4 12. INITIAL SUPERVISOR REPORTS (DUE PRIOR TO BEGINNING
5 EMPLOYMENT)

6 Respondent shall cause her nursing supervisor (the person who is directly responsible for
7 everyday nursing functions) to submit a written report prior to the commencement of
8 employment. A form is provided for this report. A report shall be submitted by each additional
9 or subsequent supervisor during the entire probationary period and shall be due prior to the
10 commencement of employment.

11 13. SUPERVISOR REPORTS

12 Respondent shall cause her nursing supervisor (the person who is directly responsible for
13 everyday nursing functions) to submit **monthly** written reports to the Board addressing work
14 attendance, reliability, ability to carry out assigned nursing functions, ability to handle stress
15 (change in behavior patterns), and any other information the employer or supervisor feels would
16 assist the Board in its ultimate review of Respondent's case. The supervisor shall include
17 notification of any infractions of laws that come to her attention, and any other relevant
18 information.

19 14. SELF REPORTS

20 Respondent shall submit **monthly** reports, whether working or not, on her progress, her ability to
21 handle stress, her mental and physical health, her current job duties and responsibilities, her
22 ability to practice nursing safely, and any changes in her plan for meeting the stipulations of this
23 Agreement.

24 15. REPORT DUE DATES

25 Respondent shall cause all reports to be in writing and submitted directly to the Board on a
26 **monthly** basis **whether working or not** unless otherwise specified. These reports shall begin
27 one (1) month subsequent to the execution of this Agreement and are due no later than the last
28 day of the month. It is the obligation of the Respondent to ensure that all written reports are on

1 time. The failure to submit the reports on time may be considered a violation of this Agreement.
2 Changes in the frequency of reporting may be approved by the Executive Director or the
3 Compliance Coordinator and/or the Disability Advisory Committee.

4 16. REQUIREMENT TO MEET WITH THE BOARD OR STAFF UPON
5 REQUEST

6 Respondent shall meet with the Board or its representatives upon request and shall cooperate
7 with representatives of the Board in their supervision and investigation of Respondent's
8 compliance with the terms and conditions of this Agreement.

9 17. FINANCIAL RESPONSIBILITIES AND MONITORING FEES (DUE
10 MONTHLY)

11 Respondent shall be financially responsible for all requirements of this Agreement, including any
12 financial assessments by the Board for the cost of monitoring her compliance with this
13 Agreement. Respondent may be assessed a late fee for monitoring fees that are received more
14 than ten (10) calendar days after the due date.

15 18. REQUIRED NOTIFICATION OF OTHER STATES OF LICENSURE
16 AND/OR CERTIFICATION

17 Respondent shall, upon execution of this Agreement, provide a copy of this Agreement to any
18 other state Board of Nursing in whose jurisdiction she has been issued a nursing
19 license/certificate (current or not). Respondent shall also provide a copy of this Agreement to
20 any other regulatory agency in whose jurisdiction she has applied or will apply for a
21 license/certificate.

22 19. VIOLATIONS TO BE REPORTED TO BOARD WITHIN SEVENTY-TWO
23 (72) HOURS

24 Respondent shall practice in accordance with the Nurse Practice Act and Board established
25 Standards of Practice. Respondent shall obey all federal, state and local laws, employer policy or
26 contracts, and orders of the Board, pertaining to the practice of nursing in this state. Any and all
27 violations shall be reported by the Respondent to the Board in writing within seventy-two (72)
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1 hours. It is the Respondent's responsibility to resolve with the Executive Director, or the
2 Compliance Coordinator any confusion regarding what laws pertain to nursing.

3 20. CONSEQUENCES OF FURTHER VIOLATIONS INCLUDING
4 VIOLATIONS OF THIS AGREEMENT; AGREEMENT TO SURRENDER
5 LICENSE AND/OR CERTIFICATE

6 Respondent acknowledges that if she should violate one or more of the terms of restricted
7 licensure/certification, the Board may revoke, or invoke other appropriate discipline against her
8 license/certificate to practice nursing, subject only to the requirement that the Board shall, prior
9 to such disciplinary action, conduct a hearing in accordance with the Nevada Nurses Practice Act
10 for the limited purpose of establishing that there has, in fact, been a violation of the stipulations
11 of this Agreement. In the event that a violation of the stipulations is alleged, Respondent agrees
12 to surrender her license/certificate to the Executive Director, or the Compliance Coordinator, if
13 they so request, and refrain from practicing nursing until entry of a final order of the Board or a
14 court of competent jurisdiction, whichever last occurs, regarding a potential violation.

15 21. REPORTING TO NATIONAL DISCIPLINARY DATA BANKS

16 This agreement will become part of the Respondent's permanent record, will become public
17 information, will be published with the list of disciplinary actions the Board has taken, and may
18 be reported to any national repository which records disciplinary action taken against licensees
19 or holders of certificates; or any agency or another state which regulates the practice of nursing.
20 The Agreement may be used in any subsequent hearings by the Board.

21 22. TERMINATION OF PROBATION

22 Upon completion of the stipulations of this Agreement, Respondent shall apply for termination
23 of probation and issuance of unrestricted licensure/certification on forms supplied by the Board.
24 Respondent shall meet with the Compliance Coordinator and/or the Disability Advisory
25 Committee for evaluation of compliance and recommendation for termination of probation. The
26 probation shall continue until terminated by the Board.

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1 NEVADA STATE BOARD OF NURSING retains jurisdiction in this case until all
2 conditions have been met to the satisfaction of the Board.

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4 Dated this 15 day of Nov, 2006

Phyllis Manuel
RESPONDENT
PHYLLIS MANUEL

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8 Dated this 15th day of March, 2006

Hal Taylor
Hal Taylor, Esq.

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COMMITTEE
1-11-06
11:03 AM

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13 Accepted and approved this 16th day of November 2006

14
15 NEVADA STATE BOARD OF NURSING

16
17 By:

Helen Vos
Helen Vos, MS, RN
Board President

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JAN 11 1993
ARIZONA STATE BOARD OF NURSING

EXHIBIT B

**Consent for Entry of Voluntary Surrender Order No. 0612083
Arizona State Board of Nursing**

ARIZONA STATE BOARD OF NURSING
4747 North 7th Street, Suite 200
Phoenix, Arizona 85014-3653
602-889-5150

IN THE MATTER OF PROFESSIONAL
NURSE LICENSE NO. RN138610
ISSUED TO:

PHYLLIS ANNE MANUEL
RESPONDENT

CONSENT FOR ENTRY OF
VOLUNTARY SURRENDER
ORDER NO. 0612083

A complaint charging Phyllis Anne Manuel ("Respondent") with violation of the Nurse Practice Act has been received by the Arizona State Board of Nursing ("Board"). In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements, and the responsibilities of the Board, and pursuant to A.R.S. §2-1663 (D)(5), Respondent voluntarily surrenders her license for a minimum of five years.

Based on the evidence before it, the Board makes the following Findings of Fact, Conclusions of Law:

FINDINGS OF FACT

1. Respondent holds Board issued professional nurse license no. RN138610.
2. On or about February 18, 2008, Respondent entered into Consent Agreement and Order No. 0612083 for a Stayed Suspension Probation for twelve months (Attached as Exhibit A and incorporated by reference herein). The terms and conditions, in part, required Respondent to undergo a psychological evaluation, complete an ethical aspects course or counseling, nurse practice act on-line test, submit quarterly performance evaluation reports or self-reports if not working, practice under direct supervision for the first 12-months thereafter on-site supervision, work day or evening shift only, no night shift permitted and no registry.
3. On or about April 8 2008, Respondent sent her nursing license to the Board office and hand wrote across the top "surrender of license per Consent Agreement."

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CONCLUSIONS OF LAW

Pursuant to A.R.S. §§ 32-1606, 32-1663, and 32-1664, the Board has subject matter and personal jurisdiction in this matter.

The conduct and circumstances described in the Findings of Fact constitute a violation of A.R.S. § 32-1601(d) and (j), and A.A.C. R4-19-403(7), (9) and (31) (adopted effective November 13, 2005).

The conduct and circumstances described in the Findings of Fact constitute sufficient cause pursuant to A.R.S. §§ 32-1663(D)(5) 32-1664(N) to take disciplinary action against Respondent's license to practice as a professional nurse in the State of Arizona.

Respondent admits the Board's Findings of Fact, Conclusions of Law.

Respondent understands that she has an opportunity to request a hearing and declines to do so. Respondent agrees to issuance of the attached Order and waives all rights to a hearing, rehearing, appeal, or judicial review relating to this Order.

Respondent understands that all investigative materials prepared or received by the Board concerning these violations and all notices and pleadings relating thereto may be retained in the Board's file concerning this matter.

Respondent understands that the admissions in the Findings of Fact are conclusive evidence of a violation of the Nurse Practice Act and may be used for purposes of determining sanctions in any future disciplinary matter.

Respondent understands the right to consult legal counsel prior to entering into the Consent Agreement and such consultation has either been obtained or is waived.

Respondent understands that this voluntary surrender is effective upon its acceptance by the Executive Director or the Board and by Respondent as evidenced by the respective signatures thereto. Respondent's signature obtained via facsimile shall have the same effect as an original signature.

1 Once signed by the Respondent, the agreement cannot be withdrawn without the Executive Director
2 or the Board's approval or by stipulation between the Respondent and the Executive Director or the
3 Board. The effective date of this Order is the date the Voluntary Surrender is signed by the Executive
4 Director or the Board and by Respondent. If the Voluntary Surrender is signed on a different date, the
5 later date is the effective date.

7 Respondent understands that Voluntary Surrender constitutes disciplinary action. Respondent
8 also understands that she may not reapply for reinstatement during the period of Voluntary Surrender.

10 Respondent agrees that she may apply for reinstatement after the period of voluntary surrender
11 under the following conditions, and must comply with current law at the time of their application for
12 reinstatement:

14 The application for reinstatement must be in writing and shall contain therein or have attached
15 thereto substantial evidence that the basis for the voluntary surrender has been removed and that the
16 reinstatement of the license does not constitute a threat to the public's health, safety and welfare. The
17 Board may require physical, psychological, or psychiatric evaluations, reports and affidavits regarding
18 the Respondent as it deems necessary. These conditions shall be met before the application for
19 reinstatement is considered.

21 Thyllis Manuel
22 Respondent

23 Date: June 3, 2008

25 ARIZONA STATE BOARD OF NURSING

26 SEAL

27 Joey Ridenour
28 Joey Ridenour, R.N., M.N., F.A.A.N.
Executive Director

29 Dated: June 10, 2008

95:11W 8-MIN 80

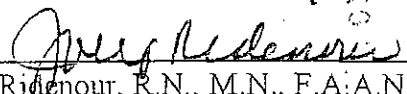
ORDER

Pursuant to A.R.S. § 32-1663 (D)(5) the Board hereby accepts the Voluntary Surrender of professional nurse license number RN138610, issued to Phyllis Anne Manuel. This Order of Voluntary Surrender hereby entered shall be filed with the Board and shall be made public upon the effective date of this Consent Agreement. Respondent shall not practice in Arizona under the privilege of a multistate license.

IT IS FURTHER ORDERED that Respondent may apply for reinstatement of said license after a period of five years.

SEAL

ARIZONA STATE BOARD OF NURSING


Joey Ridenour, R.N., M.N., F.A.A.N.
Executive Director

Dated: June 10, 2008

JR:dh

COPY mailed this 30th day of May, 2008, by First Class Mail to:

Phyllis Anne Manuel
245 South 56th Street, No. 131
Mesa, Arizona 85206

By: Dolores Hurtado
Legal Assistant